

GOVERNMENT



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LAW AND LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 4/LL/80.

Dated Gangtok, the 5th April, 1980.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 5th day of April, 1980, is hereby published for general information.

SIKKIM ACT NO. 4 OF 1980

THE SIKKIM WEIGHTS AND MEASURES ACT, 1980.

AN

ACT

to provide for the enforcement of the standards of weights and measures established by or under the Central Act and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Sikkim in the Thirty-first year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Sikkim Weights and Measures Act, 1980. **Short title, extent and commencement.**
(2) It extends to the whole of the State of Sikkim.
(3) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different—
 - (a) provisions of this Act,
 - (b) areas,
 - (c) classes of undertakings,
 - (d) classes of goods,
 - (e) classes of weights and measures, or
 - (f) classes of users of weights and measures,

and any reference in any such provision to the commencement of this Act shall be construed as reference to the coming into force of that provision in such areas, or in respect of such classes of undertakings, goods, weights and measures or users of weights and measures in relation to which this Act has been brought into force.

Act not to apply to inter-State trade or commerce.

2. Nothing in this Act shall apply to any inter-State trade or commerce in any weight or measure or in any other goods which are sold, delivered or distributed by weight, measure or number.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) “additional controller” includes a Joint Controller, Deputy Controller and an Assistant Controller appointed under section 5;

(b) “authorised seal or stamp” means a seal or stamp made under, and in accordance with, the provisions of this Act;

(c) “Central Act” means the Standards of Weights and Measures Act, 1976;

(d) “controller” means the Controller of Legal Metrology appointed by the State Government under section 5;

(e) “counterfeit”, in relation to a seal or stamp, means a seal or stamp which is so made as to resemble an authorised seal or stamp, as the case may be, intending by that resemblance to practice deception, or knowing it to be likely that deception will thereby be practised.

Explanation 1. — It is not essential that the resemblance of the counterfeit seal or stamp to the authorised seal or stamp should be exact.

Explanation 2.— When a person causes a counterfeit seal or stamp to resemble an authorised seal or stamp and the resemblance is such that if a person relies on such seal or stamp, he might be deceived thereby, it shall be presumed, until the contrary is proved, that the person so causing the seal or stamp to resemble the authorised seal or stamp intended by means of that resemblance to practise deception or knew it to be likely that deception would thereby be practised;

(f) “heap” means any unit of a commodity for sale where such sale is intended to be made without any weighing or measurement or, where the sale is made by number, without counting the number;

(g) “inspector” means a person who is appointed as such under section 5, by whatever name called;

(h) “mint” means a mint of the Central Government;

(i) “notification” means a notification published in the Official Gazette;

(j) “prescribed” means prescribed by rules made under this Act;

(k) “protection” means the utilisation of any weight or measure, or any reading obtained with the help of any weight or measure, for the purpose of determining whether or not any step is required to be taken to safeguard the well-being of any human being or animal, commodity, vegetation or thing, whether individually or collectively;

(l) “standard weight or measure” means a weight, measure or number which conforms to the standards established in relation thereto by or under Central Act;

(m) words and expressions used in this Act and not defined but defined in the Central Act shall have the meanings respectively assigned to them in that Act.

Provisions of this Act to override the provisions of any other law except the Central Act.

4. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act and the Central Act or in any instrument having effect by virtue of any enactment other than this Act or the Central Act.

CHAPTER II

APPOINTMENT OF CONTROLLERS, INSPECTORS AND OTHER OFFICERS.

Appointment of Controllers, Inspectors, other officers and staff.

5. (1) The State Government may, by notification, appoint a Controller of Legal Metrology for the State and as many Additional, Joint, Deputy or Assistant Controllers, Inspectors and other officers and staff as may be necessary for exercising the powers and efficiently discharging the duties conferred or imposed on them by or under this Act.

(2) Every Additional Controller, appointed under sub-section (1), shall exercise such powers, and discharge such functions, of the Controller, as the State Government may, by notification, authorise in this behalf.

(3) The Controller may, by general or special order, define the local limits within which each Additional Controller or each Inspector shall exercise the powers and discharge the duties conferred or imposed on him by or under this Act.

(4) Subject to the provisions of this Act, every Additional Controller and every Inspector shall perform his functions and discharge the duties of his office under the general superintendence, directions and control of the Controller and shall exercise those powers and discharge those duties in the same manner and with the same effect as if they had been conferred or imposed on him direct by or under this Act and not by way of authorisation.

(5) The Controller and every Additional Controller may also -

(a) perform all or any of the functions of; and

(b) exercise all or any of the powers conferred by this Act or any rule or order made thereunder, on an Inspector

(6) Where the Controller is of opinion that it is necessary so to do, he may, by an order in writing, authorise an Inspector, or other Officer not below the rank of an Inspector, to adjust any weight or measure in any area within the local limits of his jurisdiction.

Power to authorise Inspector to adjust weights or measures.

(7) The Controller and every Additional Controller, and every Inspector and every other person authorised to perform any duty by or under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Controller and officers appointed under this Act to be public servants.

8. No suit, prosecution or other legal proceedings shall lie against the Controller or any additional Controller, or any Inspector or any other person authorised to perform any duty by or under this Act in respect of anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

Protection of action taken in good faith.

CHAPTER III

GENERAL PROVISIONS IN RELATION TO STANDARD WEIGHTS AND MEASURES.

9. (1) Notwithstanding any custom, usage or method of whatever nature, no weight or measure other than the standard weight or measure shall be used or kept in any premises within the State of Sikkim in such circumstances as to indicate that such weight or measure is intended, or is likely, to be used for any weighing or measurement.

Prohibition of use of weights and measures other than standard weights and measures.

(2) Any custom, usage, practice or method of whatever nature which permits a person to demand, receive, or cause to be demanded or received within the State of Sikkim, any quantity of article, thing or service in excess of, or less than, the quantity specified by weight or measure in the contract or other agreement in relation to the said article, thing or service shall be void.

(3) On and from the commencement of this Act, no weight, measure or number, other than the standard weight, measure or number, shall be used in, or form the basis of, any contract or other agreement in relation to any trade or commerce within the State of Sikkim.

(4) Any contract or other agreement, which contravenes the provisions of sub-section (3), shall be void.

10. (1) The State Government may, by rules made in this behalf, direct that in respect of the class of goods or undertakings or users specified therein -

Use of weights only or measures only in certain cases.

(a) no transaction, dealing or contract shall be made or had; or

(b) no industrial production shall be undertaken; or

(c) no use of protection shall be made, within the State of Sikkim, except by such weight, measure or number as may be specified in the said rules.

(2) Any rule made under sub-section (1) shall take effect in such area, from such future date and subject to such conditions, if any, as may be specified therein.

Prohibition of quotations, etc. otherwise than in terms of standard units of weight, measure or numeration.

11. Except where he is permitted under the Central Act ~~so to do~~, no person shall, in relation to any goods or things which are sold, transferred, distributed or delivered, or any services rendered, within the State of Sikkim, -

- (a) quote, or make announcement of, whether by word of mouth or otherwise, any price or charge; or
- (b) issue or exhibit any price list, invoice, cash memo or other document; or
- (c) prepare or publish any advertisement, poster or other document; or
- (d) indicate the contents of any package either on itself or on any label, carton or other thing; or
- (e) indicate the contents on any container; or
- (f) express, in relation to any transaction, industrial production or protection, any quantity or dimension, otherwise than in accordance with the standard units of weight, measure or numeration.

CHAPTER IV

CUSTODY AND VERIFICATION OF STANDARD EQUIPMENTS.

Custody and verification of reference standards.

12. Every reference standard, supplied by the Central Government to the State Government, shall be kept at such place and in such custody as may be prescribed, and no such reference standard shall be deemed to be a reference Standard and shall be used as such unless it has been verified and authenticated in accordance with the rules made under the Central Act.

Preparation of secondary and working standards.

13. The State Government may cause to be prepared at a Mint as many sets of secondary standard or working standard, verified and authenticated by the Mint in such manner as may be specified under the Central Act, as it may think necessary:

Provided that where the Mint intimates the State Government in writing that it is unable to prepare secondary standard or working standard weight or measure, that Government may cause such secondary standard or working standard weight or measure to be prepared by such person as it may think fit and such secondary standard or working standard weight or measure shall be verified and authenticated by such authority as may be specified by rules made under this Act and every such verification and authentication shall be made in the manner specified under the Central Act.

Verification, Stamping and Custody of Secondary or working standards.

14. (1) Every secondary standard or working standard shall conform to the standards established by or under the Central Act and shall be verified with the reference standard or secondary standard, as the case may be, in such manner and at such periodical intervals as may be specified by or under that Act and shall, if found on such verification to conform to the standards established by or under that Act, be stamped.

(2) Where any secondary standard or working standard is stamped under sub-section (1), a certificate shall be separately issued showing the date on which such weight or measure was stamped.

(3) Every verification and stamping referred to in sub-section (1) shall be made by such person or authority as may be prescribed.

(4) A secondary standard or working standard which is not verified and stamped in accordance with the provisions of sub-section (1) shall not be deemed to be a secondary standard or working standard, as the case may be, and shall not be used for the verification of any working standard or, as the case may be, of any weight or measure, not being a national prototype or a reference standard or secondary standard.

(5) Every secondary standard shall be kept at such place and in such custody as may be prescribed.

Secondary or working standard which may not be stamped.

15. Where the State Government is of opinion that by reason of the size or nature of any secondary standard or working standard, it is not desirable or practicable to put a stamp thereon, it may direct that instead of putting a stamp on such secondary standard or working standard, a certificate may be issued to the effect that such secondary standard or working standard conforms to the standards established by or under the Central Act and every secondary standard or working standard so certified shall be deemed to have been duly stamped under this Act on the date on which such certificate was issued.

CHAPTER V

MANUFACTURE, REPAIR OR SALE OF WEIGHTS OR MEASURES

16. (1) No person shall make, manufacture, repair or sell any weight or measure unless he holds a valid licence issued in this behalf by the Controller authorising such person to do so :

Prohibition on the manufacture, repair or sale of weights or measures without licence.

Provided that a person who bonafide repairs in his premises any weight or measure owned by him shall not be required to take out a licence referred to in this subsection if he, in the opinion of the Controller,—

(a) has the technical competence and the necessary equipment to repair such weight or measure; or

(b) having the necessary equipment for the repair of such weight or measure in his possession, has persons in his employment who have the technical competence to repair such weight or measure.

(2) Every licence issued under this section -

(a) shall be in such form as may be prescribed;

(b) shall be issued on payment of such fees as may be prescribed;

(c) shall be valid for such period as may be specified therein;

(d) may be renewed from time to time; and

(e) may contain such conditions and restrictions as may be prescribed.

(3) Every licence issued under any Sikkim Law relating to weights and measures shall, if in force immediately before the commencement of this Act, continue to be in force until the expiry of the period of its validity or until the cancellation thereof, whichever is earlier, and may be renewed under this Act if an application for its renewal is made in the prescribed form at least one month before the expiry of the period of its validity.

(4) A person who intends to commence, after the commencement of this Act, business as a maker, manufacturer, repairer or seller of any weight or measure, shall make an application in such form as may be prescribed for the issue of a licence and every licence so issued may be renewed if an application for its renewal is made in the prescribed form at least one month before the expiry of the period of its validity.

(5) The Controller may, if he is satisfied that the maker, manufacturer, repairer or seller, as the case may be, of any weight or measure was prevented by sufficient cause from making application for the renewal of his licence before the expiry of the period of the validity thereof, permit him to make the application within a further period of one month from the date of expiry of the said period on payment by him of such further fee, not exceeding the fee which is payable for the issue of the licence.

(6) On receipt of an application for the issue of a licence under this section, the Controller may, if he is satisfied, after making such inquiry as he may think fit, that the applicant fulfils the prescribed conditions, issue such licence:

Provided that no application for the issue of a licence shall be rejected unless the applicant has been given a reasonable opportunity of making representation against the proposed action.

(7) No application for the renewal of a licence issued under this section shall be rejected unless -

(a) the holder thereof has been given a reasonable opportunity of showing cause against the proposed action; and

(b) the Controller is satisfied that -

(i) the application has not been made within the time specified in this section; or

(ii) the applicant has made any statement in, or in relation to, the application for the issue or renewal of the licence which is incorrect or false in any material particular; or

(iii) the applicant has contravened any provision of Central Act or any rule made thereunder or of this Act or any rule made thereunder.

(8) The Controller may require every repairer licensed under this Act to furnish to the State Government security for such sum, not exceeding two thousand rupees, as may be prescribed, to enable that Government to compensate any owner of weight or measure for any loss or damage occasioned by such repairer.

(9) Nothing in this section shall apply to the sale by a user (who is not a maker, manufacturer, dealer or repairer) or any weight or measure of such description as may be prescribed.

(10) Every licence issued or renewed under this Act shall be displayed in a conspicuous place in the premises where the licensee carries on his business.

Suspension and cancellation of licence.

17. (1) The Controller may, if he has any reasonable cause to believe that the holder of any licence issued, renewed or continued under this Act has made any Statement in, or in relation to, any application for the issue or renewal of the licence which is incorrect or false in any material particular or has contravened any provision of the Central Act or any rule made thereunder or of this Act or any rule made thereunder, suspend such licence, pending the completion of any inquiry or trial against the holder of such licence :

Provided that no such licence shall be suspended unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.

(2) The Controller may, if he is satisfied after making such inquiry as he may think fit that the holder of a licence has made a false or incorrect Statement of the nature referred to in sub-section (1), or has contravened any law referred to in that sub-section, cancel such licence:

Provided that no such licence shall be cancelled unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.

(3) Every person whose licence has been suspended shall, immediately after such suspension, stop functioning as such licensee and shall not resume business as such licensee until the order of such suspension has been vacated.

(4) Every licensee whose licence has been suspended or cancelled shall, immediately after such suspension or cancellation, as the case may be, surrender such licence to the authority by which such licence was issued.

(5) Every licensee whose licence has been cancelled shall, within a period of thirty days from the date of such cancellation (or within such further period, not exceeding three months from such date, as the Controller may, on sufficient cause being shown, allow), dispose of the weights or measures which were in his possession, custody or control on the date of such cancellation, and in the event of his failure to do so, the Controller or any other officer authorised by him, in writing, in this behalf may seize and dispose of the same and distribute the proceeds thereof in such manner as may be prescribed.

Manufacture of weights or measures.

18. Save as otherwise provided in the Central Act, no person shall, -

(a) make or manufacture any weight or measure unless such weight or measure conforms to the standards established by or under the Central Act;

(b) make or manufacture any weight or measure with indications thereon of any weight or measure other than the units specified by or under the Central Act.

Prohibition of sale or use of unstamped weights or measures.

19. No weight or measure which is required by or under this Act to be verified and stamped shall be sold, used or kept for use unless it has been verified and stamped.

Maker, manu-
facturer etc., to
maintain re-
cords and re-
gisters.

20. (1) Every maker, manufacturer, repairer or dealer and every person using any weight or measure in any transaction or for industrial production or for protection shall maintain such records and registers as may be prescribed, and, if required so to do by an Inspector, shall produce such records and registers before the Inspector for inspection.

(2) Notwithstanding anything contained in sub-section (1), if the Controller is of opinion that having regard to the nature or volume of the business carried on by any maker, manufacturer, dealer, repairer or user of any weight or measure, it is necessary so to do, he may, by order, exempt such maker, manufacturer, dealer, re-

CHAPTER VI

VERIFICATION AND STAMPING OF WEIGHTS OR MEASURES.

21. (1) Every person having any weight or measure in his possession, custody or control in circumstances indicating that such weight or measure is being, or is intended to be, used by him in any transaction or for industrial production or for protection, shall before putting such weight or measure into use, have such weight or measure verified at such place, and during such hours as the Controller may, by general or special order, specify in this behalf (hereinafter referred to as the specified place or specified time).

Verification and stamping of weights or measures.

(2) Every weight or measure referred to in sub-section (1) shall be re-verified at such periodical intervals as may be prescribed.

(3) Every Inspector shall, for the purpose of verification of any weight or measure, attend the specified place (within the local limits of his jurisdiction) at the specified time and verify every weight or measure which is brought to him at such place and within such time and shall, if he is satisfied that such weight or measure conforms to the standards established by or under the Central Act, put his stamp thereon:

Provided that where any weight or measure is such that it cannot, or should not, be moved from its location, the Inspector shall take such steps for the verification of such weight or measure as may be prescribed.

(4) Where any verification has been made under sub-section (3), the Inspector shall grant to the person referred to in sub-section (1) a certificate in the prescribed form indicating therein the particulars of the weight or measure verified and stamped by him.

(5) Where the Controller is of opinion that by reason of the size or nature of any weight or measure, it is not desirable to put a stamp thereon, he may, by an order in writing, direct that instead of putting a stamp on such weight or measure, a certificate may be issued to the effect that such weight or measure conforms to the standards established by or under the Central Act and every weight or measure so certified shall be deemed to have been duly verified and stamped under this Act.

22. Every certificate or verification granted under this Act shall be displayed in a conspicuous place in the premises where such weight or measure is being, or is intended to be, used in any transaction or for industrial production or for protection.

Display of certificate of verification.

23. (1) A weight or measure which is, or is deemed to be, duly verified and stamped under this Act shall be deemed to conform to the standards established by or under the Central Act at every place within the State of Sikkim unless it is found on inspection or verification, that such weight or measure does not conform to the standards established by or under that Act.

Validity of weights or measures duly stamped.

(2) No weight or measure which is, or is deemed to be, duly verified and stamped under this Act shall require to be re-stamped merely by reason of the fact that it is being used at any place within the territory of the State of Sikkim other than the place at which it was originally verified and stamped:

Provided that where a verified weight or measure, installed at one place, is dismantled and re-installed at a different place, such weight or measure shall not be put into use unless it has been re-verified and stamped notwithstanding that periodical re-verification of such weight or measure has not become due.

CHAPTER VII

INSPECTION, SEARCH, SEIZURE AND FORFEITURE.

24. (1) An Inspector may, within the local limits of his jurisdiction, inspect and test, at all reasonable times, any weight or measure which -

Power to inspect.

- (i) is being, or is intended to be, used; or
- (ii) is in the possession, custody or control of any person; or
- (iii) is in or any premises;

in such circumstances as to indicate that such weight or measure is being, or is intended or likely to be, used in any transaction or for industrial production or protection, and may also verify whether such weight or measure is in conformity with the standards established by or under the Central Act.

Power of Inspector to require production of weight or measure or records for inspection.

(2) For the purpose of ascertaining the correctness of any weight or measure used in any transaction, any Inspector may also test the weight or measure of any article sold or delivered to any person in the course of such transaction.

25. (1) An Inspector may, if he has any reasonable cause to believe that an offence punishable under this Act has been or is likely to be committed in respect of any weight or measure or that any weight or measure does not conform to the standard established by or under the Central Act, require, at all reasonable times, the person having the custody or control of such weight or measure which -

- (i) is used by such person or is caused by such person to be used by any other person; or
- (ii) is in the possession, custody or control of such person for use; or
- (iii) is kept in or on any premises for use in any transaction or for industrial production or for protection.

(2) The Inspector may also require the production of every document or other record relating to the weight or measure referred to in sub-section (1) and the person first mentioned in that sub-section shall comply with such requisition.

(3) On inspection, whether under section 24 or under this section, the Inspector may obliterate the stamp on any weight or measure -

- (a) which does not, or cannot be made to, conform to the standards established by or under the Central Act:

Provided that where the Inspector is of opinion that the defect or error in such weight or measure is not such as to require immediate obliteration of the stamp, he shall serve a notice on the user of such weight or measure informing him of the defect or error found in the weight or measure and calling upon him to remove the defect or error within such time, not exceeding eight days, as he may specify and shall -

(i) if the user fails to remove the defect or error within that period, obliterate the stamp; or

(ii) if the defect or error is so removed as to make the weight or measure conform to the standards established by or under the Central Act, verify such weight or measure and put his stamp thereon;

(b) which does not admit of proper adjustment owing to its being broken, indented or otherwise defective;

(c) which, since the last verification and stamping, has been repaired or re-adjusted but does not, after such repair or re-adjustment, conform to the standards established by or under the Central Act;

(d) which, being due for verification, has not been submitted for such verification.

Power of Inspector to enter premises.

26. (1) An Inspector may, if he has any reason to believe, whether from any information should be given to him by any person and taken down by him in writing or from personal knowledge or otherwise, that an offence punishable under this Act has been or is likely to be committed in relation to any weight, measure or other goods which are sold, delivered or distributed by weight, measure or number, enter, at all reasonable times, into any premises -

(i) where such weight or measure is used, or kept or believed to be kept for use in any transaction or for industrial production or for protection;

(ii) where such goods are manufactured, packed, distributed or sold or kept or offered for sale in packaged form.

and inspect or verify any weight measure or the net contents, by weight, measure or number, of any package, and may also examine any document or other record relating thereto.

(2) An Inspector may at all reasonable times enter into any premises for such purposes other than those specified in sub-section (1), as may be prescribed.

Power to search.

✓ 27. (1) Where the Controller has reason to believe that any weight or measure, liable to be seized under this Act, or any document or thing in relation to any weight or measure, will be, in his opinion useful for or relevant to, any proceeding under this Act, is secreted in any place, he may search or authorise any officer, not below the rank of an Inspector, to search for such weight or measure, document or thing, and the general provisions relating to search under the Code of Criminal Procedure in force in Sikkim shall apply to every such search.

(2) Every authorisation made by the Controller under sub-section (1) shall be deemed to be a search warrant referred to in the general provisions relating to searches under the Code of Criminal Procedure in force in Sikkim.

28. (1) An Inspector may seize and detain any weight or measure in relation to which an offence under this Act appears to have been committed or which is likely to be used in the commission of such offence, and may also seize and detain any goods sold or delivered, or caused to be sold or delivered, by such weight or measure: **Power of Inspector to seize any weight or measure.**

Provided that where any goods seized under this sub-section are subject to speedy or natural decay, the Inspector may dispose of such goods in such manner as may be prescribed.

(2) Where any weight or measure or any article is seized and detained under sub-section (1), the Inspector may also seize and detain any document or other record relating to such weight, measure or article.

29. If, on verification of any commodity in packaged form, the net weight, measure or number of commodity contained in the package or container is found to agree with the net contents thereof, as stated on the label thereon, the Inspector shall, where the person from whom such commodity was obtained for verification is— **Inspector to re-seal or re-pack where net contents are found to have been correctly stated.**

(a) the manufacturer or packer of such commodity, get the commodity re-sealed or re-packed, as the case may be; or

(b) a person who buys or sells such commodity, in whole sale or retail, acquire such package or container on payment in cash to such wholesaler or retailer the market price of the commodity contained in such package or container.

30. ✓ Every false or unverified weight or measure seized under the provisions of this Act shall be liable to be forfeited to Government. **Forfeiture.**

CHAPTER VIII

PROVISIONS WITH REGARD TO COMMODITIES IN PACKAGED FORM SOLD OR DISTRIBUTED WITHIN THE STATE.

31. (1) The provisions of the Central Act with regard to commodities in packaged form shall, as far as may be, apply to every commodity in packaged form which is distributed, packed, sold, kept, offered or exposed for sale in the State of Sikkim as if those provisions were applicable to trade or commerce within the State subject to the modification that any reference therein to the Central Government and the Central Act shall be construed as references, respectively to the State Government and this Act. **Provisions of the Central Act relating to packaged commodities to apply to packaged commodities sold or distributed within the State.**

(2) An Inspector may, from time to time, inspect the weight or measure, or count the number, of the commodity contained in any package which is—

- (i) kept at any place where the commodity is packed; or
- (ii) kept, offered or exposed for sale; or
- (iii) sold, delivered, held in possession or is in the process of delivery;

within the State of Sikkim with a view to determining whether the package contains the quantity or number of the commodity as specified on it or on the label thereon.

(3) Where the Inspector finds, after weighing, measuring or counting, that any package does not contain the quantity or number of the commodity, as specified on it or on the label thereon, or does not conform to the provisions of the Central Act or any rule or order made thereunder, he may seize such package and may also, by order, prohibit the sale of each package which is similar to the seized package and may so mark or seal each such package as to indicate clearly that the sale or delivery of such package has been prohibited, and no such package shall be sold or kept, offered or exposed for sale or delivery or otherwise disposed of unless—

(i) the contents of such package have been brought into conformity with the provisions of the Central Act or any rule or order made thereunder, by the manufacturer, packer or distributor thereof; or